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19 APR 2007

Philips Electronic North America Corporation  
Intellectual Property & Standard  
1109 McKay Drive, M.S41-SJ  
San Jose, CA 95131

In re Application of  
NEGOI : DECISION ON PETITION  
U.S. Application No.: 10/502,407 :  
PCT No.: PCT/IB02/00183 : UNDER 37 CFR 1.181  
Int. Filing Date: 22 January 2002 :  
Priority Date: 01 February 2001 :  
Atty Docket No.: DE02 0024 US :  
For: PROGRAMMABLE CHARGE PUMP :  
DEVICE :

This decision is in response to applicant's "Petition to Withdraw Abandonment Under MPEP SECTION 711.03(c)" filed 19 March 2007 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

**BACKGROUND**

On 22 January 2002, applicant filed international application PCT/IB02/00183, which claimed priority of an earlier application filed 01 February 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 August 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 August 2003.

On 22 July 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an information disclosure statement and a preliminary amendment.

On 20 May 2005, applicant was mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) informing applicant that the present application was abandoned as to the United States for failure to provide the full U.S. Basic National Fee by 30 months.

On 19 March 2007, applicant filed the present petition under 37 CFR 1.181 requesting withdrawal of the abandonment, indicating that authorization to charge all relevant fees had been provided with the filed transmittal letter of 22 July 2004.

### DISCUSSION

The Form PCT/DO/EO/909 notifying applicant of the abandonment of the present U.S. National stage application was mailed 20 May 2005. Applicant did not file the present petition until 19 March 2007. 37 CFR 1.181(f) states that:

The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

MPEP section 711.03(c)(1)(C) provides that rather than dismiss the petition, the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

In addition, applicant is advised that the international application number provided on the Form PTO-1390 does not correspond to the other information provided, i.e. international filing date, priority date, inventor name nor title. It appears that applicant has incorrectly identified the international application number thus causing the creation of a U.S. National stage application for international application number PCT/IB02/00183. In order to rectify this situation applicant should file a petition under 37 CFR 1.182 to have the papers and fee payment directed to the correct international application number. The recommendation to file the petition under 37 CFR 1.182 should not be construed as an indication as to whether or not the petition will be favorably considered.

### CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application remains **ABANDONED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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